

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Division of Licensing of the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Radisson Hotel Newport Beach, at 4545 MacArthur Boulevard, Newport Beach, California, 92660, on May 7th, 2004, at 9:00 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on April 26, 2004 or must be received by the Medical Board at the hearing. The Medical Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification or any changes of the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2565, 2566 and 2566.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 2565, 2566, and 2566.1 of the Business and Professions Code, the Medical Board of California is considering changes to Division 13.5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW **Registered Dispensing Opticians - Fees**

Business and Professions Code sections 2565, 2566 and 2566.1 set forth the fee amounts prescribed in connection with the registration of dispensing opticians, contact lens dispensers, and spectacle lens dispensers. The statutes authorize the Medical Board of California, Division of Licensing, to set the fees not to exceed \$100.00 in regulation.

This proposal sets the registration and renewal fees for registered dispensing opticians, contact lens dispensers, and spectacle lens dispensers at the maximum amount of \$100.00.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The fees collected are deposited in the Dispensing Optician Fund of the board, which funds the administration of the program, including processing applications and various staff functions. In projecting revenue for the next 3 years the costs to support the program each year will exceed what the current revenue brings the program. By increasing the fees to \$100.00 the program will be self supporting and by 2005/06 the surplus will be 5.1 months of reserve.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has determined that the proposed regulatory action would have minimal economic impact on California business enterprises and individuals. The fee for registered dispensing optician, contact lens dispenser and spectacle lens dispenser will be increased from \$75.00 to \$100.00 every 2 years, which is the maximum allowed in statute. This is an increase of \$25.00 over the 2 year renewal period. Therefore, the Board has determined that this proposed action will not have a significant, statewide adverse economic impact affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal would have no impact on the creation of jobs or businesses or elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Medical Board of California estimates the potential cost impact of the proposed regulations on directly affected private persons or entities to be an increase from \$75.00 every 2 years to \$100.00 every 2 years for initial registration and renewal. This is an increase of \$25.00 over the 2 year renewal period.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would affect small business because it specifies the registration and renewal fee amounts to be increased from \$75.00 to \$100.00 every 2 years, which is the maximum amount allowed in statute. This is an increase of \$25.00 over the 2 year renewal period.

The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all the information upon which the proposal is based, may be obtained prior to, or after the hearing upon request from the person designated in this Notice under **Contact Person** or by accessing the website listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person designated in this Notice under **Contact Person** or by accessing the website listed below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the person designated in this Notice under **Contact Person** or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the substance of the purposed regulations may be directed to:

Name: Linda Morris, Licensing Section
Address: Medical Board of California
1428 Howe Avenue, Suite 56
Sacramento, CA 95825
Telephone No.: (916) 263-2382
Fax No.: (916) 263-2387
email: lmorris@medbd.ca.gov

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kevin A. Schunke
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2368
Fax No.: (916) 263-2387
e-mail: kschunke@medbd.ca.gov

The backup contact person is :

Name: Linda Whitney
Address: Medical Board of California
1430 Howe Avenue, Suite 92
Sacramento, CA 95825
Telephone No.: (916) 263-2389
Fax No.: (916) 263-2387
email: lwhitney@medbd.ca.gov

Website Access : Materials regarding this proposal can be found at www.medbd.ca.gov.